

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

TEXAS BANKERS ASSOCIATION;
RIO BANK; and AMERICAN BANKERS
ASSOCIATION,

Plaintiffs,

v.

CONSUMER FINANCIAL PROTECTION
BUREAU and ROHIT CHOPRA, in his
official capacity as Director of the Consumer
Financial Protection Bureau,

Defendants.

Case No. 7:23-cv-00144

AGREED MOTION FOR MODIFICATION OF BRIEFING SCHEDULE

Plaintiffs Texas Bankers Association, Rio Bank, and American Bankers Association move the Court to modify the schedule for Summary Judgment briefing. In support of that request, the Plaintiffs state the following:

1. The parties previously requested a briefing schedule for cross-motions on summary judgment and the Court entered an Order making Plaintiffs' Motion for Summary Judgment due by February 16, 2024; Defendants' Cross-Motion for Summary Judgment and Response due by March 15, 2024; Plaintiffs' Reply due by April 12, 2024; and Defendants' Reply due by May 10, 2024. ECF No. 73.

2. After conferring with the other parties, Plaintiffs request that this Court modify the existing schedule to reflect the following dates: Plaintiffs' Motion for Summary Judgment due by March 1, 2024; Defendants' Cross-Motion for Summary Judgment and Response due by April 12, 2024; Plaintiffs' Reply due by May 10, 2024; and Defendants' Reply due by June 7, 2024.

3. This request is necessary due to the coordination of schedules for all Plaintiffs' and Intervenor's counsel, along with Defendants' schedules. This request is not made for purposes of delay, as the parties desire to have the issue fully briefed for this Court prior to the Supreme Court's ruling in *Community Financial Services of America v. CFPB*, 51 F.4th 616 (5th Cir. 2022). No prejudice will result from the short extension requested.

4. For these reasons, the Plaintiffs respectfully submit that good cause exists to grant the requested modifications to the briefing schedule.

Dated: February 13, 2024

Respectfully submitted.

/s/ John C. Sullivan

John C. Sullivan
Attorney-in-Charge
Texas Bar No. 24083920
S|L LAW PLLC
610 Uptown Boulevard, Suite 2000
Cedar Hill, TX 75104
Telephone: (469) 523-1351
Facsimile: (469) 613-0891
john.sullivan@the-sl-lawfirm.com

James J. Butera*
Ryan Israel*
MEEKS, BUTERA & ISRAEL PLLC
2020 Pennsylvania Avenue, NW
Washington, DC 20006
Telephone: (202) 795-9714
jbutera@meeksbi.com
risrael@meeksbi.com

*Counsel for Plaintiffs Texas Bankers
Association, Rio Bank, and American
Bankers Association*

* admitted pro hac vice

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1(D), I hereby certify that I conferred with Kevin Friedl, counsel for Defendants, and counsel for each of the Intervenor by email regarding this Motion. Defendants and Intervenor consent to the relief sought in this Motion.

/s/ John C. Sullivan
John C. Sullivan

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been filed on February 13, 2024, via the CM/ECF system and served to all registered users.

/s/ John C. Sullivan
John C. Sullivan

Counsel for Plaintiffs

CERTIFICATE OF COMPLIANCE

This document was prepared using Microsoft Word 365, 2022 Version. It is written in Times New Roman font with the text in 12-point font. The Agreed Motion for Modification of Briefing Schedule contains 236 words.

/s/ John C. Sullivan
John C. Sullivan

Counsel for Plaintiffs